

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Valerie DE LA POTERIE et al.	)	Group Art Unit: 1619
	)	
Application No.: 10/654,907	)	Examiner: Jyothsna A. VENKAT
	)	
Filed: September 5, 2003	)	
	)	Confirmation No.: 6821
For: COSMETIC COMPOSITION	)	
COMPRISING A TACKY WAX	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER**

Assignee, L'Oréal S.A., duly organized under the laws of France and having its principal place of business at 14, Rue Royale, 75008 Paris, France, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application, Application No. 10/654,907, filed September 5, 2003, for COSMETIC COMPOSITION COMPRISING A TACKY WAX in the names of Valerie DE LA POTERIE et al., as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 015149, Frame 0519 on March 26, 2004.

Assignee, L'Oréal S.A., further represents that it is the assignee of the entire right, title, and interest in and to the following co-pending U.S. Patent Applications:

U.S. Patent Application No. 10/656,201, filed September 8, 2003, in the names of Valerie DE LA POTERIE et al., for COSMETIC KERATIN FIBRE CARE OR MAKEUP

COMPOSITION, as indicated by the assignments duly recorded in the United States Patent and Trademark Office at Reel 015022, Frame 0860 on March 1, 2004, and at Reel 015840, Frame 0867 on September 22, 2004.

U.S. Patent Application No. 11/056,239, filed February 14, 2005, in the names of Valerie DE LA POTERIE et al., for COMPOSITIONS FOR COATING KERATIN FIBERS, COMPRISING AT LEAST ONE TACKY WAX AND FIBERS, as indicated by the assignment duly recorded in the United States Patent and Trademark Office at Reel 016683, Frame 0284 on June 13, 2005.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of co-pending U.S. Patent Application Nos. 10/656,201 and 11/056,239. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the co-pending applications are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent issued from U.S. Patent Application Nos. 10/656,201 and 11/056,239, as presently shortened by any terminal disclaimer, in the event that any such patent issuing from U.S. Patent Application Nos. 10/656,201 and 11/056,239 later expires for failure to pay

a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is being filed with this disclaimer.


If a check for the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 6, 2010

By:   
Bryan C. Diner  
Reg. No. 32,409